

106TH CONGRESS  
2D SESSION

# H. R. 2903

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, SEPTEMBER 22), 2000

Received

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## AN ACT

To reauthorize the Striped Bass Conservation Act, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**TITLE I—ATLANTIC COASTAL  
FISHERIES**

**Subtitle A—Atlantic Striped  
Bass Conservation**

**SEC. 101. REAUTHORIZATION OF ATLANTIC STRIPED BASS  
CONSERVATION ACT.**

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

“(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

“(1) \$1,000,000 to the Secretary of Commerce;  
and

“(2) \$250,000 to the Secretary of the Interior.”.

**SEC. 102. POPULATION STUDY OF STRIPED BASS.**

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

1           (1) long-term stock assessment data and other  
2           fishery-dependent and independent data for Atlantic  
3           striped bass; and

4           (2) the results of peer-reviewed research funded  
5           under the Atlantic Striped Bass Conservation Act.

6           (b) REPORT.—Not later than 180 days after the date  
7           of the enactment of this Act, the Secretaries, in consulta-  
8           tion with the Atlantic States Marine Fisheries Commis-  
9           sion, shall submit to the Committee on Resources of the  
10          House of Representatives and the Committee on Com-  
11          merce, Science and Transportation of the Senate the re-  
12          sults of the study and a long-term plan to ensure a bal-  
13          anced and healthy population structure of Atlantic striped  
14          bass, including older fish. The report shall include infor-  
15          mation regarding—

16                (1) the structure of the Atlantic striped bass  
17                population required to maintain adequate recruit-  
18                ment and sustainable fishing opportunities; and

19                (2) recommendations for measures necessary to  
20                achieve and maintain the population structure de-  
21                scribed in paragraph (1).

22           (c) AUTHORIZATION.—There are authorized to be ap-  
23          propriated to the Secretary of Commerce \$250,000 to  
24          carry out this section.

1           **Subtitle B—Atlantic Coastal**  
 2           **Fisheries Cooperative Management**

3           **SEC. 121. SHORT TITLE.**

4           This subtitle may be cited as the “Atlantic Coastal  
 5 Fisheries Act of 2000”.

6           **SEC. 122. REAUTHORIZATION OF ATLANTIC COASTAL FISH-**  
 7                               **ERIES COOPERATIVE MANAGEMENT ACT.**

8           (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
 9 811 of the Atlantic Coastal Fisheries Cooperative Manage-  
 10 ment Act (16 U.S.C. 5108) is amended to read as follows:

11           **“SEC. 811. AUTHORIZATION OF APPROPRIATIONS.**

12           “(a) IN GENERAL.—To carry out this title, there are  
 13 authorized to be appropriated \$10,000,000 for each of fis-  
 14 cal years 2001 through 2005.

15           “(b) COOPERATIVE STATISTICS PROGRAM.—  
 16 Amounts authorized under subsection (a) may be used by  
 17 the Secretary to support the Commission’s cooperative  
 18 statistics program.”.

19           (b) TECHNICAL CORRECTIONS.—

20                       (1) IN GENERAL.—Such Act is amended—

21                               (A) in section 802(3) (16 U.S.C. 5101(3))  
 22                               by striking “such resources in” and inserting  
 23                               “such resources is”; and

24                               (B) by striking section 812 and the second  
 25                               section 811.

1           (2) AMENDMENTS TO REPEAL NOT AF-  
2           FECTED.—The amendments made by paragraph  
3           (1)(B) shall not affect any amendment or repeal  
4           made by the sections struck by that paragraph.

5           (3) SHORT TITLE REFERENCES.—Such Act is  
6           further amended by striking “Magnuson Fishery”  
7           each place it appears and inserting “Magnuson-Ste-  
8           vens Fishery”.

9           (c) REPORTS.—

10          (1) ANNUAL REPORT TO THE SECRETARY.—  
11          The Secretary shall require, as a condition of pro-  
12          viding financial assistance under this subtitle, that  
13          the Commission and each State receiving such as-  
14          sistance submit to the Secretary an annual report  
15          that provides a detailed accounting of the use the as-  
16          sistance.

17          (2) BIENNIAL REPORTS TO THE CONGRESS.—  
18          The Secretary shall submit biennial reports to the  
19          Committee on Resources of the House of Represent-  
20          atives and the Committee on Commerce, Science,  
21          and Transportation of the Senate on the use of Fed-  
22          eral assistance provided to the Commission and the  
23          States under this subtitle. Each biennial report shall  
24          evaluate the success of such assistance in imple-  
25          menting this subtitle.

1 **TITLE II—JOHN H. PRESCOTT**  
 2 **MARINE MAMMAL RESCUE**  
 3 **ASSISTANCE GRANT PRO-**  
 4 **GRAM**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Marine Mammal Res-  
 7 cue Assistance Act of 2000”.

8 **SEC. 202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**  
 9 **ASSISTANCE GRANT PROGRAM.**

10 (a) IN GENERAL.—Title IV of the Marine Mammal  
 11 Protection Act of 1972 (16 U.S.C. 1371 et seq.) is  
 12 amended—

13 (1) by redesignating sections 408 and 409 as  
 14 sections 409 and 410, respectively; and

15 (2) by inserting after section 407 the following:

16 **“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**  
 17 **ASSISTANCE GRANT PROGRAM.**

18 “(a) IN GENERAL.—(1) Subject to the availability of  
 19 appropriations, the Secretary shall conduct a grant pro-  
 20 gram to be known as the John H. Prescott Marine Mam-  
 21 mal Rescue Assistance Grant Program, to provide grants  
 22 to eligible stranding network participants for the recovery  
 23 or treatment of marine mammals, the collection of data  
 24 from living or dead stranded marine mammals for sci-  
 25 entific research regarding marine mammal health, and fa-

1 cility operation costs that are directly related to those pur-  
2 poses.

3 “(2)(A) The Secretary shall ensure that, to the great-  
4 est extent practicable, funds provided as grants under this  
5 subsection are distributed equitably among the stranding  
6 regions designated as of the date of the enactment of the  
7 Marine Mammal Rescue Assistance Act of 2000, and in  
8 making such grants shall give preference to those facilities  
9 that have established records for rescuing or rehabilitating  
10 sick and stranded marine mammals in each of the respec-  
11 tive regions, or subregions.

12 “(B) In determining priorities among such regions,  
13 the Secretary may consider—

14 “(i) any episodic stranding or any mortality  
15 event other than an event described in section  
16 410(6), that occurred in any region in the preceding  
17 year;

18 “(ii) data regarding average annual strandings  
19 and mortality events per region; and

20 “(iii) the size of the marine mammal popu-  
21 lations inhabiting a geographic area within such a  
22 region.

23 “(b) APPLICATION.—To receive a grant under this  
24 section, a stranding network participant shall submit an

1 application in such form and manner as the Secretary may  
2 prescribe.

3 “(c) CONSULTATION.—The Secretary shall consult  
4 with the Marine Mammal Commission, a representative  
5 from each of the designated stranding regions, and other  
6 individuals who represent public and private organizations  
7 that are actively involved in rescue, rehabilitation, release,  
8 scientific research, marine conservation, and forensic  
9 science regarding stranded marine mammals, regarding  
10 the development of criteria for the implementation of the  
11 grant program and the awarding of grants under the pro-  
12 gram.

13 “(d) LIMITATION.—The amount of a grant under this  
14 section shall not exceed \$100,000.

15 “(e) MATCHING REQUIREMENT.—

16 “(1) IN GENERAL.—The non-Federal share of  
17 the costs of an activity conducted with a grant under  
18 this section shall be 25 percent of such costs.

19 “(2) IN-KIND CONTRIBUTIONS.—The Secretary  
20 may apply to the non-Federal share of an activity  
21 conducted with a grant under this section the  
22 amount of funds, and the fair market value of prop-  
23 erty and services, provided by non-Federal sources  
24 and used for the activity.



1       “(f) ADMINISTRATIVE EXPENSES.—Of amounts  
2 available each fiscal year to carry out this section, the Sec-  
3 retary may expend not more than 6 percent or \$80,000,  
4 whichever is greater, to pay the administrative expenses  
5 necessary to carry out this section.

6       “(g) DEFINITIONS.—In this section:

7               “(1) DESIGNATED STRANDING REGION.—The  
8 term ‘designated stranding region’ means a geo-  
9 graphic region designated by the Secretary for pur-  
10 poses of administration of this title.

11              “(2) SECRETARY.—The term ‘Secretary’ has  
12 the meaning given that term in section 3(12)(A).

13       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to carry out this section  
15 \$5,000,000 for each of fiscal years 2001 through 2003,  
16 to remain available until expended, of which—

17              “(1) \$4,000,000 may be available to the Sec-  
18 retary of Commerce; and

19              “(2) \$1,000,000 may be available to the Sec-  
20 retary of the Interior.”.

21       (b) CONFORMING AMENDMENT.—Section 3(12)(B)  
22 of the Marine Mammal Protection Act of 1972 (16 U.S.C.  
23 1362(12)(B)) is amended by inserting “(other than sec-  
24 tion 408)” after “title IV”.

1       (c) CLERICAL AMENDMENT.—The table of contents  
2 in the first section of the Marine Mammal Protection Act  
3 of 1972 (86 Stat. 1027) is amended by striking the items  
4 relating to sections 408 and 409 and inserting the fol-  
5 lowing:

“Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Pro-  
gram.

“Sec. 409. Authorization of appropriations.

“Sec. 410. Definitions.”.

6 **SEC. 203. STUDY OF THE EASTERN GRAY WHALE POPU-**  
7 **LATION.**

8       (a) STUDY.—Not later than 180 days after the date  
9 of enactment of this Act and subject to the availability  
10 of appropriations, the Secretary of Commerce shall initiate  
11 a study of the environmental and biological factors respon-  
12 sible for the significant increase in mortality events of the  
13 eastern gray whale population and other potential impacts  
14 these factors may be having on the eastern gray whale  
15 population.

16       (b) CONSIDERATION OF WESTERN POPULATION IN-  
17 FORMATION.—The Secretary should ensure that, to the  
18 greatest extent practicable, information from current and  
19 future studies of the western gray whale population is con-  
20 sidered in the study under this section, so as to better  
21 understand the dynamics of each population and to test  
22 different hypotheses that may lead to an increased under-

1 standing of the mechanism driving their respective popu-  
2 lation dynamics.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
4 tion to other amounts authorized under this title, there  
5 are authorized to be appropriated to the Secretary to carry  
6 out this section—

7 (1) \$290,000 for fiscal year 2001; and

8 (2) \$500,000 for each of fiscal years 2002  
9 through 2004.

10 **SEC. 204. CONVEYANCE OF FISHERY RESEARCH VESSEL TO**  
11 **AMERICAN SAMOA.**

12 (a) IN GENERAL.—The Secretary of Commerce (in  
13 this section referred to as the “Secretary”) may convey  
14 to the Government of American Samoa in accordance with  
15 this section, without consideration, all right, title, and in-  
16 terest of the United States in and to a retired National  
17 Oceanic and Atmospheric Administration fishery research  
18 vessel in operable condition, for use by American Samoa.

19 (b) LIMITATION.—The Secretary may not convey a  
20 vessel under this section before the date on which a new  
21 replacement fishery research vessel has been delivered to  
22 the National Oceanic and Atmospheric Administration  
23 and put in active service.

24 (c) OPERATION AND MAINTENANCE.—The Govern-  
25 ment of the United States shall not be responsible or liable

1 for any maintenance or operation of a vessel conveyed  
2 under this section after the date of the delivery of the ves-  
3 sel to American Samoa.

4 **SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS RE-**  
5 **LATING TO NATIONAL MARINE SANCTUARY**  
6 **DESIGNATION STANDARDS.**

7 (a) TECHNICAL AMENDMENT.—Section 303(a) of the  
8 National Marine Sanctuaries Act (16 U.S.C. 1433(a)) is  
9 amended by striking “the Secretary—” and all that fol-  
10 lows through the end of the sentence and inserting the  
11 following: “the Secretary determines that—

12 “(1) the designation will fulfill the purposes and  
13 policies of this title;

14 “(2) the area is of special national significance  
15 due to—

16 “(A) its conservation, recreational, ecologi-  
17 cal, historical, scientific, cultural, archeological,  
18 educational, or esthetic qualities;

19 “(B) the communities of living marine re-  
20 sources it harbors; or

21 “(C) its resource or human-use values;

22 “(3) existing State and Federal authorities are  
23 inadequate or should be supplemented to ensure co-  
24 ordinated and comprehensive conservation and man-

1       agement of the area, including resource protection,  
2       scientific research, and public education;

3               “(4) designation of the area as a national ma-  
4       rine sanctuary will facilitate the objectives stated in  
5       paragraph (3); and

6               “(5) the area is of a size and nature that will  
7       permit comprehensive and coordinated conservation  
8       and management.”.

9       (b) CONFORMING AMENDMENTS.—Such Act is fur-  
10   ther amended—

11           (1) in section 304(a)(1)(C) (as amended by sec-  
12       tion 6(a) of the National Marine Sanctuaries  
13       Amendments Act of 2000) by striking “the Sec-  
14       retary shall”; and

15           (2) in section 304(a)(2)(E) (as amended by sec-  
16       tion 6(b) of the National Marine Sanctuaries  
17       Amendments Act of 2000) by striking “findings”  
18       and inserting “determinations”.

19       (c) EFFECTIVE DATE.—This section shall take effect  
20   immediately after the National Marine Sanctuaries  
21   Amendments Act of 2000 takes effect.

22   **SEC. 206. WESTERN PACIFIC PROJECT GRANTS.**

23       Section 111(b)(1) of the Sustainable Fisheries Act  
24   (16 U.S.C. 155 note) is amended by striking the last sen-  
25   tence and inserting “There are authorized to be appro-

1 priated to carry out this section \$500,000 for each fiscal  
2 year.”.

Passed the House of Representatives October 31,  
2000.

Attest:

JEFF TRANDAHL,

*Clerk.*